



**STATE OF NEW JERSEY**

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In the Matter of Mark Schardine,	:	
Management Assistant (PS5825DN),	:	<b>FINAL ADMINISTRATIVE ACTION</b>
Department of Community Affairs	:	<b>OF THE</b>
	:	<b>CIVIL SERVICE COMMISSION</b>
	:	
	:	
CSC Docket No. 2018-2999	:	
	:	
	:	Examination Appeal
	:	

**ISSUED: JULY 20, 2018** (JET)

Mark Schardine appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the promotional examination for Management Assistant (PS5825DN), Department of Community Affairs.

The subject examination was announced with a closing date of October 23, 2017. The requirements were graduation from an accredited college or university with a Bachelor’s degree, and one year of experience performing complex administrative support work which must have included the interpretation, verification and/or application of department/agency rules, regulations, policies and procedures. It was noted that applicants who did not possess the required education could have substituted additional experience on a year for year basis with 30 semester hour credits being equal to one year of experience. The examination was cancelled as none of the applicants, including the appellant, were found eligible for the examination.

A review of the appellant’s application reveals that he possessed a Bachelor’s degree. Additionally, the appellant listed on his application that he served

provisionally in the subject title from July 2017 to the October 23, 2017 closing date, as a Technical Assistant from January 2016 to July 2017, as a Principal Clerk from August 2011 to January 2016, as an Adjunct Faculty Member from August 2002 to December 2009, and as an Administrative Assistant from May 2004 to October 2008. Agency Services credited the appellant with four months of applicable experience for his provisional service in the subject title. However, it did not credit 2

him with any other applicable experience. Accordingly, Agency Services determined that the appellant was ineligible for the examination as he lacked eight months of experience.

On appeal, the appellant provides clarifying information and argues that he possesses sufficient experience to qualify for the examination.

It is noted that the appellant continues to serve as a provisional Management Assistant.

### **CONCLUSION**

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular situation. Initially, it is noted that Agency Services correctly credited the appellant with four months of applicable experience based on his provisional service in the subject title. However, a review of the record indicates that the appellant continues to serve provisionally in the subject title. Additionally, the situation is not competitive as the examination was cancelled and no other applicants were admitted. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the appellant's provisional experience gained after the closing date, for eligibility purposes only, and to admit him to the examination.

### **ORDER**

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 18<sup>th</sup> DAY OF JULY, 2018

*Deidre L. Webster Cobb*

Deidre L. Webster Cobb  
Chairperson  
Civil Service Commission

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c:    Mark            Schardine  
       Jodi Evangelista  
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